

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**

J N

OCT 31 2007

OCT. 31, 2007

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

JH

CHOI, Jae Kyoung, A96272693

Plaintiff,

v.

PETER D. KEISLER, Acting Attorney General of  
the United States;  
MICHAEL CHERTOFF, Secretary, Department of  
Homeland Security;  
EMILIO T. GONZALEZ, Director of United  
States of Citizenship and Immigration Services;  
GERARD HEINAUER, Director of Nebraska Service  
Center;  
ROBERT S. MUELLER III, Director of  
Federal Bureau of Investigation;  
ROBERT BLACKWOOD, Field Office Director,  
USCIS Chicago Field Office

Defendants.

07cv6151

JUDGE SHADUR

MAG. JUDGE COX

**COMPLAINT FOR WRIT OF MANDAMUS**

**To the Honorable Judges of Said Court:**

Plaintiff, **Jae Kyoung Choi**, through undersigned counsel, allege as follows:

**INTRODUCTION**

1. This is a civil action brought pursuant to 28 U.S.C. §1331, and 28 U.S.C. §1361, to redress the deprivation of rights, privileges and immunities secured to Plaintiff to compel Defendants to perform a duty Defendants owe to Plaintiff. Jurisdiction is also conferred by 5 U.S.C. §701.

2. This action is brought to compel Defendants and those acting under them to

take action on the Applications to Adjust Status, Form I-485, in order for Plaintiff, to become Permanent Resident of the United States.

3. Plaintiff is eligible to have his Application adjudicated.

4. Defendants, the Department of Homeland Security and U.S. Citizenship and Immigration Services, are charged by law with the statutory obligation to adjudicate this Application to Adjust Status, Form I-485.

5. Venue is proper under 28 USC §1391(e) in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Defendant resides and where a substantial part of the events or omissions giving rise to Plaintiff's claims occurred. Moreover, the Plaintiff resides in this district and no real property is involved in this action.

#### FACTS

6. Plaintiff is a citizen of South Korea. Plaintiff's wife, Soo Young Choi, is the beneficiary of a Petition for Alien Worker, Form I-140, which was approved on September 17, 2002. *See* Exhibit 1 (copy of Form I-140 Approval Notice).

7. Based upon Soo Young Choi's approved I-140, on January 2, 2003, Plaintiff and his wife applied to adjust their status to that of Permanent Resident Aliens by submitting Forms I-485. *See* Exhibit 2 (copies of receipt notices of their I-485 applications).

8. Their I-485 applications were then transferred to the Chicago District Office on November 30, 2004. *See* Exhibit 3 (copies of transfer notices)

9. On July 19, 2005, Plaintiff and his wife appeared and were interviewed by Officer Nora Allen of the U.S. Citizenship and Immigration Services, in Chicago, Illinois, pursuant to the adjustment of status process. *See* Exhibit 4 (copies of Interview Notices).

10. At the end of the interview, Officer Allen gave the Plaintiff Request for Evidence and the requested evidence was promptly submitted within the due date. *See* Exhibit 5 (copy of Request for Evidence)

11. On March 27, 2006, Plaintiff received the second Request for Evidence which was again promptly responded with the due date. *See* Exhibit 6 (copy of Request for Evidence)

12. On March 2, 2006, the Chicago District Office sent an approval letter to the principal beneficiary, Soo Young Choi(Plaintiff's wife), approving her I-485 adjustment application. *See* Exhibit 7(copy of approval letter)

13. Plaintiff has promptly and completely responded to all of Defendant's requests for additional evidence, purportedly to complete adjudication of his application. Plaintiff has exhausted his administrative remedies. Plaintiff has, through his attorney, made several inquiries concerning the status of the application and delays associated with his approval to no avail. *See* Exhibit 8( Inquiries dated December 5, 2006, February 8, 2007, and February 21, 2007)

14. Defendant, the Chicago District Office, responded to our inquires on February 22, 2007 and March 27, 2007 stating the background checks on this case are still pending and no other issues are mentioned. *See* Exhibit 9(Responses from the Chicago District Office)

15. Plaintiff's Application to Adjust Status, Form I-485, has now been pending for almost five years since it was filed on January 2, 2003 and it has now been two years and three months since Plaintiff was interviewed by Officer Allen.

### CLAIMS

1. Defendants have willfully and unreasonably delayed in, and have refused to, adjudicate Plaintiff's Application to Adjust Status, Form I-485, thereby depriving the Plaintiff of the benefit of becoming Permanent Resident of the United States, and the peace of mind he is entitled to;

2. Defendants owe Plaintiff a duty to adjudicate his Application, and have unreasonably failed to perform that duty;

3. Plaintiff has exhausted any administrative remedies that may exist.

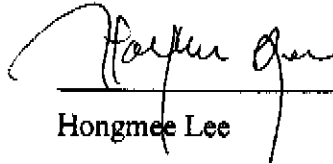
### **WHEREFORE, Plaintiff prays that the Court:**

1. Compel Defendants and those acting under them to perform their duty to adjudicate Plaintiff's Application;

2. Grant such other and further relief as this Court deems proper under the circumstances; and

3. Grant Attorney's fees and costs of Court to Plaintiff under the Equal Access to Justice Act.

Respectfully submitted this 30th day of  
October, 2007.



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Hongmee Lee

Law Offices of Hongmee Lee, LLC

4001 W. Devon Ave., Suite 204

Chicago, IL 60646

773-427-8870

**LIST OF ATTACHMENTS**

**EXHIBIT**

1. USCIS Visa Petition(I-140) Approval Notice, dated September 17, 2002
2. Receipt Notices of I-485 Applications of Plaintiff and his wife, Soo Young Choi
3. Transfer Notices of I-485 Applications of Plaintiff and his wife, Soo Young Choi
4. Interview Notices of Plaintiff and his wife, Soo Young Choi
5. Request for Evidence issued by Officer Allen on July 19, 2005
6. Request for Evidence issued by Officer Allen on March 27, 2006
7. I-485 Approval Letter sent to Plaintiff's Wife, Soo Young Choi
8. Printout of Email Case Status Inquiries sent to the Chicago District Office on December 5, 2006, February 8, 2007, and February 21, 2007
9. Printout of Email Responses received from the Chicago District Office on February 22, 2007 and March 27, 2007

## Notice of Action

## UNITED STATES OF AMERICA

RECEIPT NUMBER SRC-02-138-51678		CASE TYPE I140 IMMIGRANT PETITION FOR ALIEN WORKER
RECEIPT DATE April 2, 2002	PRIORITY DATE April 23, 2001	PETITIONER ORIENTAL HOUSE
NOTICE DATE September 17, 2002	PAGE 1 of 1	BENEFICIARY A95 906 934 CHOI, SOO YOUNG
HONGMEE LEE ATTY AT LAW LAW OFFICES OF HONGMEE LEE 4001 W DEVON AVE STE 204 CHICAGO IL 60646		Notice Type: Approval Notice Section: Skilled Worker or Professional, Sec.203(b)(3)(A)(i) or (ii)

The above petition has been approved. The petition indicates that the person for whom you are petitioning is in the United States and will apply for adjustment of status. He or she should contact the local INS office to obtain Form I-485, Application for Permanent Residence. A copy of this notice should be submitted with this application, with appropriate fee, to this Service Center. Additional information about eligibility for adjustment of status may be obtained from the local INS office serving the area where he or she lives, or by calling 1-800-375-5283.

If the person for whom you are petitioning decides to apply for a visa outside the United States based on this petition, the petitioner should file Form I-824, Application for Action on an Approved Application or Petition, with this office to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

TEXAS SERVICE CENTER

P O BOX 851488 - DEPT A

MESQUITE TX 75185-1488

Customer Service Telephone: (214) 381-1423



Exhibit 1

01-101

## THE UNITED STATES OF AMERICA

RECEIPT NUMBER SRC-03-066-51967		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE January 2, 2003	PRIORITY DATE	APPLICANT A95 906 934 CHOI, SOO YOUNG
NOTICE DATE January 3, 2003	PAGE 1 of 1	

HONGMEE LEE ATTY AT LAW  
LAW OFFICES OF HONGMEE LEE  
4001 W DEVON AVE STE 204  
CHICAGO IL 60646

Notice Type: Receipt Notice

Amount received: \$ 1305.00  
Section: Adjustment as direct  
beneficiary of immigrant  
petition

The above application or petition has been received. It usually takes 725 to 775 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (214) 381-1423 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit the INS at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
TEXAS SERVICE CENTER  
P O BOX 851488 - DEPT A  
MESQUITE TX 75185-1488  
Customer Service Telephone: (214) 381-1423



EX-1012

## THE UNITED STATES OF AMERICA

RECEIPT NUMBER SRC-03-066-52125		CASE TYPE 1485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE January 2, 2003	PRIORITY DATE	APPLICANT A96 272 693 CHOI, JAE KYOUN
NOTICE DATE January 3, 2003	PAGE 1 of 1	

HONGMEE LEE ATTY AT LAW  
LAW OFFICES OF HONGMEE LEE  
4001 W DEVON AVE STE 204  
CHICAGO IL 60646

Notice Type: Receipt Notice

Amount received: \$ 1305.00

Section: Derivative adjustment

The above application or petition has been received. It usually takes 725 to 775 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (214) 381-1423 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit the INS at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

TEXAS SERVICE CENTER

P O BOX 851488 / DEPT A

MESQUITE TX 75185-1488

Customer Service Telephone: (214) 381-1423





# THE UNITED STATES OF AMERICA

RECEIPT NUMBER SRC-03-066-52125		CASE TYPE 1485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIPT DATE January 3, 2003	PRIORITY DATE	APPLICANT A96 272 693 CHOI, JAE KYOUN
NOTICE DATE November 30, 2004	PAGE 1 of 1	
HONGMEE LEE ATTY AT LAW LAW OFFICES OF HONGMEE LEE 4001 W DEVON AVE STE 204 CHICAGO IL 60646		Notice Type: Transfer Notice

Preliminary processing of the above application or petition has been completed, and it has been transferred to the INS office at:

Room 218, 10 West Jackson Blvd, Chicago, IL 60604

Telephone: (800) 375-5283

That office will notify you when they schedule an interview on the application or petition. Any further inquiries should be made to that office.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
TEXAS SERVICE CENTER

P O BOX 851488 - DEPT A

MESQUITE TX 75185-1488

Customer Service Telephone: (800) 375-5283



Exhibit 3

# THE UNITED STATES OF AMERICA

RECEIPT NUMBER SRC-03-066-51967		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIPT DATE January 3, 2003	PRIORITY DATE	APPLICANT A95 906 934 CHOI, SOO YOUNG
NOTICE DATE November 30, 2004	PAGE 1 of 1	

HONGMEE LEE ATTY AT LAW  
LAW OFFICES OF HONGMEE LEE  
4001 W DEVON AVE STE 204  
CHICAGO IL 60646

Notice Type: Transfer Notice

Preliminary processing of the above application or petition has been completed, and it has been transferred to the INS office at:

Room 218, 10 West Jackson Blvd, Chicago, IL 60604

Telephone: (800) 375-5283

That office will notify you when they schedule an interview on the application or petition. Any further inquiries should be made to that office.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
TEXAS SERVICE CENTER  
P O BOX 851488 - DEPT A  
MESQUITE TX 75185-1488  
Customer Service Telephone: (800) 375-5283



Department of Homeland Security  
West Jackson Boulevard  
Chicago, IL 60604



U.S. Citizenship  
and Immigration  
Services

SOO YOUNG CHOI  
1950 SHORE OAK  
DECATUR, IL 62521

Date: June 1, 2005  
File Number: 95906934

### **Appointment Notice**

You are scheduled for an interview regarding your I-485 Application to Adjust Status to that of a lawful permanent resident. Please appear with your petitioner on 7/19/2005 at 10:40:00 AM. Your local USCIS office is located at: 230 S. Dearborn Street, 2<sup>nd</sup> Floor, Chicago, Illinois.

**PLEASE READ THE INSTRUCTIONS BELOW:**

**IF YOU DO NOT SPEAK ENGLISH PLEASE BRING AN ADULT TRANSLATOR**  
**(FAMILY MEMBERS AND ATTORNEYS ARE NOT ACCEPTABLE TRANSLATORS)**

**YOU MUST BRING ORIGINALS AND COPIES OF THE FOLLOWING DOCUMENTS:**

- **MEDICAL EXAMINATION FORM I-693 IN A SEALED ENVELOPE**
- **AFFIDAVIT OF SUPPORT FORM I-864 (WITH YOUR TAX RETURNS FOR THE LAST 3 YEARS, W-2's and current job letter)**
- **CERTIFIED COURT DISPOSITIONS** (for ALL arrests, no matter how long ago the arrest occurred)
- 2 Color ADIT-Style photographs
- Photo Identification for yourself and your petitioner
- **Your employment authorization card**
- English translations of any foreign documents (Use certified translators only)
- Proof of legal entry into the United States, passport and/or proof of payment of I-485 Supplement A.
- **Birth certificates for beneficiary, petitioner and ALL children**
- **Marriage certificates** (If married previously, proof of termination of ALL previous marriages)
- **If applying based on marriage to a U.S. citizen or lawful permanent resident:**
  - Wedding or family photos
  - Proof of joint residence (i.e., mortgages, leases, and utility bills)
  - Proof of joint credit and joint purchases
  - Bank statements and credit card statements
  - Proof of medical, dental, and life insurance

Failure to appear for the scheduled interview will be deemed an abandonment of the application and will result in a denial of the application pursuant to 8 CFR 103.2(b)(13).

Sincerely,

Michael M. Comfort  
District Director

HONGMEE LEE  
4001 W. DEVON AVE., SUITE 204  
CHICAGO IL 60646

Examiner: 10

**For Questions and Concerns Contact:** Website: www.uscis.gov, Telephone: 1-800-375-5283, TTY: 312-385-1813

Exhibit 4

Department of Homeland Security  
West Jackson Boulevard  
Chicago, IL 60604



U.S. Citizenship  
and Immigration  
Services

JAE KYOUN CHOI  
1950 SHORE OAK  
DECATUR, IL 62521

Date: June 1, 2005  
File Number: 96272693

### **Appointment Notice**

You are scheduled for an interview regarding your I-485 Application to Adjust Status to that of a lawful permanent resident. Please appear with your petitioner on 7/19/2005 at 11:05:00 AM. Your local USCIS office is located at: 230 S. Dearborn Street, 2<sup>nd</sup> Floor, Chicago, Illinois.

**PLEASE READ THE INSTRUCTIONS BELOW:**

**IF YOU DO NOT SPEAK ENGLISH PLEASE BRING AN ADULT TRANSLATOR**

**(FAMILY MEMBERS AND ATTORNEYS ARE NOT ACCEPTABLE TRANSLATORS)**

**YOU MUST BRING ORIGINALS AND COPIES OF THE FOLLOWING DOCUMENTS:**

- **MEDICAL EXAMINATION FORM I-693 IN A SEALED ENVELOPE**
- **AFFIDAVIT OF SUPPORT FORM I-864 (WITH YOUR TAX RETURNS FOR THE LAST 3 YEARS, W-2's and current job letter)**
- **CERTIFIED COURT DISPOSITIONS** (for ALL arrests, no matter how long ago the arrest occurred)
- 2 Color ADIT-Style photographs
- Photo Identification for yourself and your petitioner
- **Your employment authorization card**
- English translations of any foreign documents (Use certified translators only)
- Proof of legal entry into the United States, passport and/or proof of payment of I-485 Supplement A.
- Birth certificates for beneficiary, petitioner and ALL children
- Marriage certificates (If married previously, proof of termination of ALL previous marriages)
- **If applying based on marriage to a U.S. citizen or lawful permanent resident:**
  - Wedding or family photos
  - Proof of joint residence (i.e., mortgages, leases, and utility bills)
  - Proof of joint credit and joint purchases
  - Bank statements and credit card statements
  - Proof of medical, dental, and life insurance

Failure to appear for the scheduled interview will be deemed an abandonment of the application and will result in a denial of the application pursuant to 8 CFR 103.2(b)(13).

Sincerely,

Michael M. Comfort  
District Director

HONGMEE LEE  
4001 W. DEVON AVE., SUITE 204  
CHICAGO IL 60646

Examiner: 10

**For Questions and Concerns Contact:** Website: [www.uscis.gov](http://www.uscis.gov), Telephone: 1-800-375-5283, TTY: 312-385-1813



**U.S. DEPARTMENT OF HOMELAND SECURITY**  
Bureau of Citizenship and Immigration Services

230 S. Dearborn  
Chicago, IL 60604

**COPY**

DATE: July 18, 2005  
A:96272693

Jae Kyoun Choi  
1950 Shore Oak  
Decatur, IL 62521

**REQUEST FOR EVIDENCE**

The documentation submitted during the adjustment interview is not sufficient to warrant a favorable consideration of your petition/application. The following information is also required:

**PLEASE SEE FOLLOWING SHEET**

Your response must be received in this Office within 84 days from the date of this letter. Your case is being held in this office pending your response. Within this period you may:

1. Submit all of the evidence requested;
2. Submit some or none of the evidence requested and ask for a decision based on the record; or
3. Withdraw the application or petition. (It is noted that if you request that the application or petition be withdrawn, the filing fee cannot be refunded).

You must submit all of the evidence at one time. Submission of only part of the evidence requested will be considered a request for a decision based upon the record (#2 Above). **No extension of the period allowed to submit evidence will be granted.** If the evidence submitted does not establish that your case was approvable at the time it was filed, it can be denied.

If you do not respond to this request with the time allowed, your case will be considered abandoned and denied due to lack of prosecution. Evidence received in this office after the due date may not be considered.

**PLACE THIS LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE AND MAY RESULT IN A DENIAL.**

Please submit all documents to the attention of:

OFFICER N. Allen  
230 S. Dearborn  
Chicago, IL 60604

Sincerely,

Michael Comfort  
District Director

**EX-115**



**U.S. Department of Homeland Security  
Bureau of Citizenship and Immigration Services  
230 S. Dearborn, 23d Floor  
Chicago, Illinois 60604**

**PLEASE RETURN THIS LETTER WITH YOUR RESPONSE TO ATTN: OFFICER N. Allen**

**Name: Jae Kyoung Choi**

**Alien Registration Number: A96272893**

**PLEASE COMPLY WITH THE BELOW CHECKED ☒ INSTRUCTIONS**

- ☐ 1. Please complete the blocks on your enclosed application/petition/form, which are highlighted.
- ☐ 2. Furnish the required fee of \$1000.00 for Form I-485A.
- ☐ 3. A foreign document must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate.
- ☐ 4. Furnish the date and port of each of your entries into the United States and the name of the ship, plane, or other vehicle on which you traveled or provide a sworn statement of how you entered the United States.
- ☐ 5. Furnish two (2) color photographs. These photos must have a white background, photos must be glossy, unretouched, and not mounted. Dimension of the facial image should be about 1 inch from the chin to top of hair or head, shown in 3/4 frontal view of right side of face with right ear visible.
- ☐ 6. I-864 Affidavit of Support and last three years of tax returns, W2s and a job letter for ☒ Sponsor and/or ☒ Joint Sponsor. This form must be completely filled out and notarized. Failure to follow the directions and complete this form accurately may result in denial of your application.
- ☐ 7. You must provide a sworn statement for each and every arrest and for charges against you including the dates and places. You must provide certified court dispositions (not police reports) for each and every arrest and charge.
- ☐ 8. Your case is continued for your fingerprints to clear.
- ☐ 9. Your case is continued because you need to have your fingerprints taken. (See attached fingerprint referral letter).
- ☐ 10. Submit medical exam (Form I-693) and immunization supplement form from an INS Certified Civil Surgeon. These documents must be in a sealed envelope from the doctor. The doctor must indicate results for the HIV test and the Syphilis test.
- ☐ 11. Please submit the following types of evidence to support the claimed relationship between the petitioner and the beneficiary:
  - ☐ a. Petitioner's original birth certificate.
  - ☐ b. Official Marriage Certificate.
  - ☒ c. Proof of termination of previous marriages, such as divorce decrees and death certificates.
  - ☐ d. Wedding photos and other photos of you and your spouse together during your entire relationship.
  - ☐ e. Proof of any joint purchases or ownership, such as TV, furniture, car, house, etc.
  - ☐ f. Proof of joint credit established since marriage, such as joint credit cards, loans, etc.
  - ☐ g. Proofs of actual shared residence such as lease agreements, property deeds or mortgages, etc. If you have none of the above, provide a notarized affidavit from your current landlord.
  - ☐ h. Proof of bank statements for checking and/or savings accounts and canceled checks throughout your marriage.
  - ☐ i. Joint income taxes for 2003.
  - ☐ j. Proof of medical, life and auto insurance during your marriage.
  - ☐ k. Proof of utility bills for a shared residence, such as telephone, electric, gas, etc. You should provide statements that cover the duration of your marriage.
- ☐ 12. Other. Federal income tax returns for 2003.

**PLEASE RETURN THIS LETTER AND ALL ATTACHMENTS WITH YOUR RESPONSE IN THE ENVELOPE PROVIDED**



**U.S. DEPARTMENT OF HOMELAND SECURITY**  
**Bureau of Citizenship and Immigration Services**

230 S. Dearborn  
Chicago, IL 60604

DATE: March 27, 2006  
A96272693

**COPY**  
01-100

Jae Kyoum Choi  
1950 Shore Oak  
Decatur, IL 62521

**REQUEST FOR EVIDENCE**

The documentation submitted during the adjustment interview is not sufficient to warrant a favorable consideration of your petition/application. The following information is also required:

**PLEASE SEE FOLLOWING SHEET**

Your response must be received in this Office within 30 days from the date of this letter. Your case is being held in this office pending your response. Within this period you may:

1. Submit all of the evidence requested;
2. Submit some or none of the evidence requested and ask for a decision based on the record; or
3. Withdraw the application or petition. (It is noted that if you request that the application or petition be withdrawn, the filing fee cannot be refunded).

You must submit all of the evidence at one time. Submission of only part of the evidence requested will be considered a request for a decision based upon the record (#2 Above). No extension of the period allowed to submit evidence will be granted. If the evidence submitted does not establish that your case was approvable at the time it was filed, it can be denied.

If you do not respond to this request with the time allowed, your case will be considered abandoned and denied due to lack of prosecution. Evidence received in this office after the due date may not be considered.

**PLACE THIS LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE AND MAY RESULT IN A DENIAL.**

Please submit all documents to the attention of:

OFFICER N. Allen  
230 S. Dearborn  
Chicago, IL 60604

Sincerely,

Michael Comfort  
District Director

Exhibit 6



U.S. Department of Homeland Security  
Bureau of Citizenship and Immigration Services  
230 S. Dearborn, 23d Floor  
Chicago, Illinois 60604

PLEASE RETURN THIS LETTER WITH YOUR RESPONSE TO ATTN: OFFICER N. Allen

Name: Jac Kyoum Choi

Alien Registration Number: A98272893

**PLEASE COMPLY WITH THE BELOW CHECKED ☒ INSTRUCTIONS**

- ☐ 1. Please complete the blocks on your enclosed application/petition/form, which are highlighted.
- ☐ 2. Furnish the required fee of \$1000.00 for Form I-486A or proof that it has been paid.
- ☐ 3. A foreign document must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate.
- ☐ 4. Furnish the date and port of each of your entries into the United States and the name of the ship, plane, or other vehicle on which you traveled or provide a sworn statement of how you entered the United States.
- ☐ 5. Furnish two (2) color photographs. These photos must have a white background, photos must be glossy, unretouched, and not mounted. Dimension of the facial image should be about 1 inch from the chin to top of hair or head, shown in 3/4 frontal view of right side of face with right ear visible.
- ☐ 6. I-864 Affidavit of Support and last three years of tax returns, W2s and a job letter for ☐ Sponsor and/or ☐ Joint Sponsor. This form must be completely filled out and notarized. Failure to follow the directions and complete this form accurately may result in denial of your application.
- ☒ 7. You must provide a sworn statement for each and every arrest and for charges against you including the dates and places. You must provide certified court dispositions (not police reports) for each and every arrest and charge. The court dispositions you have provided do not indicate what you were charged with. You must provide more detailed and complete court dispositions for your arrests for Battery in November, 1995 in Springfield, IL; Violation of Bail Bond in July, 1997 in Decatur; and Domestic Battery in January, 1998 in Decatur.
- ☐ 8. Your case is continued for your fingerprints to clear.
- ☐ 9. Your case is continued because you need to have your fingerprints taken. (See attached fingerprint referral letter).
- ☐ 10. Submit medical exam (Form I-693) and immunization supplement form from an INS Certified Civil Surgeon. These documents must be in a sealed envelope from the doctor. The doctor must indicate results for the HIV test and the Syphilis test.
- ☐ 11. Please submit the following types of evidence to support the claimed relationship between the petitioner and the beneficiary:
  - ☐ a. Beneficiary's and petitioner's original birth certificates.
  - ☐ b. Official Marriage Certificate.
  - ☐ c. Proof of termination of previous marriages.
  - ☐ d. Wedding photos and other photos of you and your spouse together during your entire relationship.
  - ☐ e. Proof of any joint purchases or ownership, such as TV, furniture, car, house, etc.
  - ☐ f. Proof of joint credit established since marriage, such as joint credit cards, loans, etc.
  - ☐ g. Proofs of actual shared residence such as lease agreements, property deeds or mortgages, etc. If you have none of the above, provide a notarized affidavit from your current landlord.
  - ☐ h. Proof of bank statements for checking and/or savings accounts and canceled checks throughout your marriage.
  - ☐ i. Joint income taxes and W-2s for 2003 and 2004
  - ☐ j. Proof of medical, life and auto insurance during your marriage.
  - ☐ k. Proof of utility bills for a shared residence, such as telephone, electric, gas, etc. You should provide statements that cover the duration of your marriage.
- ☐ 12. Other.

PLEASE RETURN THIS LETTER AND ALL ATTACHMENTS WITH YOUR RESPONSE IN THE ENVELOPE PROVIDED



01-197

U.S. Department of Homeland Security  
10 West Jackson Boulevard  
Chicago, IL 60604



U.S. Citizenship  
and Immigration  
Services

March 27, 2006

Soo Young Choi  
1950 Shore Oak  
Decatur, IL 62521

Re: A95906934  
Adj. Class: E36  
Approval date: March 27, 2006

Dear Sir or Madam:

Please be advised that you have been granted permanent resident alien status as of 03/27/06. This letter should not be regarded as proof of that status. You are being processed for an alien registration card, which will be mailed to you at the above address within the next few months. If you move from that address prior to receiving the card, please notify this office by mail of your new address. If you require proof of your status in order to travel, accept employment or other reason, you may come to our office listed above for a temporary stamp. Bring this letter and your passport with you.

Sincerely,

*Gerard Heinauer*

Gerard Heinauer  
Interim District Director

VKA

[www.uscis.gov](http://www.uscis.gov)

EA 107

**YAHOO!** SMALL BUSINESS  
CLASSIC

Print - Close Window

**Date:** Tue, 5 Dec 2006 10:08:02 -0800 (PST)  
**From:** "Hongmee Lee" <admin@limmin.com>  
**Subject:** Inquiry- A096 272 693 Choi, Jae Kyouun  
**To:** cao.pilot@dhs.gov

Dear Officer:

**POST-INTERVIEW CASE**

**(Employment-based I-485: Priority Date is Current.)**

Please be advised that I am the attorney of record. My client had an adjustment interview on 07/19/2005. It has been close to 17 months since the interview and this case is still pending. Please note his priority date (04/23/2001) is current. Please review his file and approve his case as soon as possible. The following is his information:

Name: Choi, Jae Kyouun  
A#: 096 272 693  
Date of Interview: 07/19/2005  
Interviewer: Nora Allen  
Case Type: Employment based  
DOB: 12/27/1965  
Country of Birth: South Korea  
Address: 1950 Shore Oak  
Decatur, IL 62521  
Priority Date: 04/23/2001

Thank you.

Hongmee Lee, PH.D.,J.D.

Law Offices of Hongmee Lee, LLC  
4001 W. Devon Ave. #204  
Chicago, IL 60646  
773-427-8870(T)  
773-427-8873(F)  
admin@limmin.com

**Exhibit 8**

**YAHOO! SMALL BUSINESS**

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**Date:** Thu, 8 Feb 2007 07:49:18 -0800 (PST)  
**From:** "Hongmee Lee" <admin@limmin.com>  
**Subject:** Inquiry Status- A096 272 693 Choi, Jae Kyoum  
**To:** cao.pilot@dhs.gov

Dear Lorraine Silva,  
Our office e-mailed the following inquiry on 12/05/2006 and also e-mailed the g-28 on 12/08/2006 as per your request. Now it has been over 2 months and we have not heard anything from you regarding this case. Please check the status of the case and advise.

Thank you.

Law Offices of Hongmee Lee, LLC

Note: forwarded message attached.

**Forwarded Message**

**Date:** Fri, 8 Dec 2006 11:54:49 -0800 (PST)  
**From:** "Hongmee Lee" <admin@limmin.com>  
**Subject:** RE: Inquiry- A096 272 693 Choi, Jae Kyoum  
**To:** "CAO PILOT" <CAO.Pilot@dhs.gov>

**HTML Attachment**

**CAO PILOT** <CAO.Pilot@dhs.gov> wrote:

Please attach a copy of the signed G-28 for this case, preferably in .pdf format, so we can proceed with your inquiry.

Thanks,  
Lorraine Silva  
Customer Assistance Office  
U.S. Citizenship and Immigration Services

-----Original Message-----

**From:** Hongmee Lee [mailto:admin@limmin.com]  
**Sent:** Tuesday, December 05, 2006 1:08 PM  
**To:** Pilot, Cao  
**Subject:** Inquiry- A096 272 693 Choi, Jae Kyoum

Dear Officer:

**POST-INTERVIEW CASE  
(Employment-based I-485: Priority Date is Current.)**

Please be advised that I am the attorney of record. My client had an adjustment interview on 07/19/2005. It has been close to 17 months since the interview and this case is still pending. Please note his priority date (04/23/2001) is current. Please review his file and approve his case as soon as possible. The following is his information:

Name: Choi, Jae Kyoum

A#: 096 272 693  
Date of Interview: 07/19/2005  
Interviewer: Nora Allen  
Case Type: Employment based  
DOB: 12/27/1965  
Country of Birth: South Korea  
Address: 1950 Shore Oak  
Decatur, IL 62521  
Priority Date: 04/23/2001

Thank you.

Hongmee Lee, PH.D.,J.D.

Law Offices of Hongmee Lee, LLC  
4001 W. Devon Ave. #204  
Chicago, IL 60646  
773-427-8870(T)  
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4001 W. Devon Ave. #204  
Chicago, IL 60646  
773-427-8870(T)  
773-427-8873(F)  
admin@limmin.com

#### Attachments

#### Files:

 chol\_jae\_kyoun.pdf (102k)

# YAHOO! SMALL BUSINESS

Email

Print - Close Window

**Date:** Wed, 21 Feb 2007 09:51:20 -0800 (PST)  
**From:** "Hongmee Lee" <admin@limmin.com>  
**Subject:** Regarding Jae Kyoung Choi A096-272-693  
**To:** robert.blackwood@dhs.gov

Dear Blackwood:

## POST-INTERVIEW CASE

Please be advised that I am the attorney of record. My client had an adjustment interview on July 19, 2005. Subsequently, Mr. Jae Kyoung Choi submitted required documents in response to Request For Evidence(RFE) promptly. Now, it has been over 19 months since he had his interview. Please note his priority date (04/23/2001) is current. . Please review his file and approve his case as soon as possible. The following is his information:

Name: Choi, Jae Kyoung  
A#: 096-272-693  
Date of Interview: 07/19/2005  
Interviewer: Nora Allen  
Case Type: I-485(employment-based)  
DOB: 12/27/1965  
Country of Birth: South Korea  
Address: 1950 Shore Oak  
Decatur, IL 62521

Thank you.

Hongmee Lee, PH.D.,J.D.

Law Offices of Hongmee Lee, LLC  
4001 W. Devon Ave. #204  
Chicago, IL 60646  
773-427-8870(T)  
773-427-8873(F)  
admin@limmin.com

# YAHOO! SMALL BUSINESS

Email

Chicago

Print - Close Window

**Subject:** RE: Regarding Jae Kyoung Choi A096-272-693

**Date:** Thu, 22 Feb 2007 06:52:39 -0500

**From:** "Blackwood, Robert L" <Robert.Blackwood@dhs.gov>

**To:** "Hongmee Lee" <admin@limmin.com>

Mr. Lee -

Unfortunately the background checks on this case are still pending. We'll resubmit and see if that makes a difference.

Thanks!

## Robert Blackwood

Adjudications Branch Chief  
DHS/USCIS Chicago District Office  
101 W Congress Pkwy, Chicago, IL 60605  
Phone: (312) 239-6615 Fax: (312) 705-6819

**WARNING:** This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to Sensitive But Unclassified (SBU) information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval from the originator. If you are not the intended recipient please contact the originator for disposition instructions.

---

**From:** Hongmee Lee [mailto:admin@limmin.com]

**Sent:** Wednesday, February 21, 2007 11:51 AM

**To:** Blackwood, Robert L

**Subject:** Regarding Jae Kyoung Choi A096-272-693

Dear Blackwood:

## POST-INTERVIEW CASE

Please be advised that I am the attorney of record. My client had an adjustment interview on July 19, 2005. Subsequently, Mr. Jae Kyoung Choi submitted required documents in response to Request For Evidence (RFE) promptly. Now, it has been over 19 months since he had his interview. Please note his priority date (04/23/2001) is current. Please review his file and approve his case as soon as possible. The following is his information:

Name:	Choi, Jae Kyoung
A#:	096-272-693
Date of Interview:	07/19/2005
Interviewer:	Nora Allen
Case Type:	I-485 (employment-based)
DOB:	12/27/1965
Country of Birth:	South Korea
Address:	1950 Shore Oak Decatur, IL 62521

Thank you.

EX-1019

Hongmee Lee, PH.D.,J.D.

Law Offices of Hongmee Lee, LLC  
4001 W. Devon Ave. #204  
Chicago , IL 60646  
773-427-8870(T)  
773-427-8873(F)  
admin@limmin.com

# YAHOO! SMALL BUSINESS

Email

Print - Close Window

**Subject:** RE: Inquiry Status- A096 272 693 Chol, Jae Kyoum  
**Date:** Fri, 23 Feb 2007 16:22:10 -0500  
**From:** "CAO PILOT" <CAO.Pilot@dhs.gov>  
**To:** admin@limmin.com

Chicago

We have received your inquiry at USCIS Customer Assistance Office

We are happy to research your request for inquiry status. We will make every effort to provide you a response prior to or within 30-45 days. In addition, please allow at least 30-45 days after receiving our response before submitting another inquiry, if your issue has not been completely resolved.

Additionally, you can check the status of your case online by clicking the link USCIS Case Status Service <<https://egov.immigration.gov/cris/jsp/index.jsp>>. You can also find other useful information on our website such as processing dates for Field Offices and Service Centers and our numerous Fact Sheets "How do I..." series. <?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

If you require assistance in obtaining forms, filing instructions or scheduling appointments with your local office, we invite you to contact the National Customer Service Center at 1-800-375-5283, or visit our web site at [www.uscis.gov](http://www.uscis.gov) <<http://www.uscis.gov>>.

Thank you for your attention.



**YAHOO!** SMALL BUSINESS  
CLASSIC

Print - Close Window

**Subject:** RE: Inquiry- A096 272 693 Choi, Jae Kyouun

**Date:** Tue, 27 Mar 2007 13:46:01 -0400

**From:** "CAO PILOT" <CAO.Pilot@dhs.gov>

**To:** "Hongmee Lee" <admin@limmin.com>

Dear Mr. Lee:

Thank you for your e-mail to the U.S. Citizenship and Immigration Services (USCIS). The following response is provided for your information/action.

The processing of your client's case has been delayed. A check of our records establishes that the case is not yet ready for decision, as the FBI's name check is still pending. Therefore, the required investigation into your client's background remains open.

Until the background investigation is completed, we cannot move forward on the case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within six months of the date of this letter, please contact customer service at 1-800-375-5283.

We trust that this information is helpful.

Sincerely,

**Lorraine Silva**

Customer Assistance Office  
U.S. Citizenship and Immigration Services

-----Original Message-----

**From:** Hongmee Lee [mailto:admin@limmin.com]

**Sent:** Tuesday, December 05, 2006 1:08 PM

**To:** Pilot, Cao

**Subject:** Inquiry- A096 272 693 Choi, Jae Kyouun

Dear Officer:

**POST-INTERVIEW CASE**

**(Employment-based I-485: Priority Date is Current.)**

Please be advised that I am the attorney of record. My client had an adjustment interview on 07/19/2005. It has been close to 17 months since the interview and this case is still pending. Please note his priority date (04/23/2001) is current. Please review his file and approve his case as soon as possible. The following is his information:

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DOB: 12/27/1965  
Country of Birth: South Korea  
Address: 1950 Shore Oak  
Decatur, IL 62521  
Priority Date: 04/23/2001

Thank you.

Hongmee Lee, PH.D.,J.D.

Law Offices of Hongmee Lee, LLC  
4001 W. Devon Ave. #204  
Chicago, IL 60646  
773-427-8870(T)  
773-427-8873(F)  
admin@limmin.com

**CERTIFICATE OF SERVICE**

Re: CHOI, Jae Kyoung, A96272693

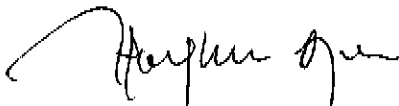
I hereby certify that on this 1<sup>st</sup> day of November, 2007, I caused to be served the following:

**COMPALINT FOR WRIT OF MANDAMUS**

By certified mail to the office at the address set forth below.

**NAME AND ADDRESS OF THE PERSONS BEING SERVED:**

Office of the General Counsel  
U.S. Department of Homeland Security  
Washington, DC 20528

 11/1/07  
\_\_\_\_\_  
Hongmee Lee Date  
Attorney for Respondent  
Law Offices of Hongmee Lee, LLC  
4001 W. Devon Ave., Suite 204  
Chicago, IL 60646  
773-427-8870(T)  
773-427-8873(F)